

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

TQ DELTA, LLC,

Plaintiff,

v.

**COMMScope HOLDING COMPANY,
INC., COMMScope INC., ARRIS US
HOLDINGS, INC., ARRIS SOLUTIONS,
INC., ARRIS TECHNOLOGY, INC., and
ARRIS ENTERPRISES, LLC**

Defendants.

Civ. A. No. 2:21-CV-310-JRG

COMMScope’s OPPOSED MOTION TO CHANGE LEAD COUNSEL DESIGNATION

Pursuant to L.R. CV-11(a) and the Court’s Docket Control Order, Defendants CommScope Holding Company, Inc., CommScope Inc., ARRIS US Holdings, Inc., ARRIS Solutions, Inc., ARRIS Technology, Inc., and ARRIS Enterprises, LLC (collectively “CommScope”) hereby move to change the lead counsel designation so that Ross R. Barton will be designated as lead counsel for CommScope in the above-captioned action.

Mr. Barton is admitted to practice in the Eastern District of Texas and has experience as lead counsel in various patent matters, including in this District. Mr. Barton will be the lawyer who will lead the trial team before the Court and the jury. CommScope retained Mr. Barton and the law firm of Alston & Bird LLP as counsel in this matter in December 2022. Mr. Barton and Alston & Bird will serve and are now serving as CommScope’s lead counsel in this case, and CommScope intends for Mr. Barton to serve as lead counsel at trial. Since being retained by CommScope, Mr. Barton has been personally involved in all aspects of the case, and he is continuing to do so. Although attorneys from the law firm of Goodwin Proctor LLP will remain

of record in the case, the current lead counsel for CommScope, Mr. Douglas J. Kline, will no longer be involved in the case. For these reasons, CommScope respectfully requests that the Court change the lead counsel designation from Mr. Kline to Mr. Barton.

Plaintiff TQ Delta, LLC opposes this motion.

Dated: February 21, 2023

Respectfully submitted,

By: /s/ Ross R. Barton
Ross R. Barton (NC Bar No. 37179)
M. Scott Stevens (NC Bar No. 37828)
Kirk T. Bradley (NC Bar No. 26490)
Stephen R. Lareau (NC Bar No. 42992)
Karlee N. Wroblewski (NC Bar No. 55043)
Nicholas C. Marais (NC Bar No. 53533)
Erin Beaton (NC Bar No. 59594)
Mary I. Riolo (NC Bar No. 59644)
ALSTON & BIRD LLP
101 S. Tryon Street, Suite 4000
Charlotte, NC 28280-4000
Email: *ross.barton@alston.com*
scott.stevens@alston.com
kirk.bradley@alston.com
stephen.lareau@alston.com
karlee.wroblewski@alston.com
nic.marais@alston.com
erin.beaton@alston.com
mary.riolo@alston.com
Telephone: 704-444-1000
Facsimile: 704-444-1111

Michael C. Deane (GA Bar No. 498195)
ALSTON & BIRD LLP
1201 West Peachtree St. Suite 4900
Atlanta, GA 30309
Email: *michael.deane@alston.com*
Telephone: 404-881-7000
Facsimile: 404-881-7777

Katherine G. Rubschlager (Cal. Bar No. 328100)
ALSTON & BIRD LLP

1950 University Avenue, Suite 430
East Palo Alto, CA 94303
Email: *katherine.rubschlager@alston.com*
Telephone: 650-838-2004
Facsimile: 650-838-2001

Deron R. Dacus (TX Bar No. 00790553)
THE DACUS FIRM
821 ESE Loop 323, Suite 430
Tyler, Texas 75701
Telephone: (903) 705-1117
Facsimile: (903) 581-2543 (fax)
E-Mail: *ddacus@dacusfirm.com*

Eric H. Findlay
State Bar No. 00789886
Brian Craft
State Bar No. 04972020
FINDLAY CRAFT, P.C.
7270 Crosswater Avenue, Ste. B
Tyler, T Y 75703
903-534-1100 (t)
903-534-1137 (f)
efindlay@findlaycraft.com
bcraft@findlaycraft.com

Douglas J. Kline
Lana Shiferman
Christie Larochelle
GOODWIN PROCTER LLP
100 Northern Avenue
Boston, MA 02210
P: (617) 570-1000
F: (617) 523-1231
dkline@goodwinlaw.com
lshiferman@goodwinlaw.com
clarochelle@goodwinlaw.com

Brett Schuman
Rachel M. Walsh
GOODWIN PROCTER LLP
Three Embarcadero Center, 28th Floor
San Francisco, CA 94111
P: (415) 733-6000
F: (415) 677-9041
bschuman@goodwinlaw.com

rwalsh@goodwinlaw.com

Andrew Ong
GOODWIN PROCTER LLP
601 Marshall St.
Redwood City, CA 94063
P: (650) 752-3100
F: (650) 853-1038
aong@goodwinlaw.com

*Attorneys for Defendants
CommScope Holding Company, Inc,
CommScope Inc., ARRIS US Holdings, Inc.,
ARRIS Solutions, Inc., ARRIS Technology,
Inc., and ARRIS Enterprises, LLC*

CERTIFICATE OF SERVICE

I hereby certify that the foregoing document was served electronically on February 21, 2023, on all counsel who have consented to electronic service via ECF.

/s/ Ross R. Barton

Ross R. Barton

CERTIFICATE OF CONFERENCE

I hereby certify that CommScope has complied with the meet-and-confer requirements of Local Rule CV-7(h) and (i). On February 16, 2023, counsel for CommScope emailed counsel for TQ Delta requesting its position. On February 17, 2023, TQ Delta responded and asked for CommScope's basis for the motion to change. CommScope provided its position twice, on February 17, 2023 and February 20, 2023, indicating that "Mr. Barton will be serving as the lead counsel, consistent with the requirements of the Local Rules, on behalf of CommScope going forward" and "I will be lead counsel, and A&B will be trying this case. Mr. Kline will no longer be involved in the case. We are not going to use substitution of lead counsel as a basis to move the trial date or for any substantive purpose in the case," respectively. On Tuesday, February 22, 2023, after another follow up email, TQ Delta responded, "TQD cannot agree at this time." Following receipt of that email, Mr. Barton, counsel for CommScope, contacted Mr. Fink, counsel for TQ Delta, by phone. On that call, Mr. Fink did not articulate the reason for TQ Delta's position but maintained that TQ Delta opposes the present motion.

/s/ Ross R. Barton

Ross R. Barton